IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7855 of 2007()

CC.1132/2004 of J.M.F.C.,KARUNAGAPPALLY

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PETITIONER/ACCUSED

ANIRUDHAN, AGED 39,
S/O MURALIDHARAN, ANU BHAVAN,
KALLELI BHAGOM MURI, KALLELI BHAGOM VILLAGE,
KARUNAGAPPALLY.

BY ADV. SRI.AHZAR.A.

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION,
KARUNAGAPPALLY.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007 ALONG WITH BA.7859/07 AND BA.7856/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos. 7855, 7856 and 7859 OF 2007

Dated this the 19th day of December, 2007

O R D E R

These applications by the common petitioner are for anticipatory bail. The petitioner faces indictment in three different prosecutions, all under the Copyright Act. The petitioner was arrested and enlarged on bail at the crime stage. Investigation in all the three crimes was completed. Final reports were filed and cognizance was taken by the learned Magistrate. The petitioner did not appear and thereupon coercive processes have been issued against the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His absence earlier was not wilful or deliberate. The petitioner is willing to surrender before the learned Magistrate and seek regular bail. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law

and expeditiously. He, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in ***Alice George Vs. Deputy Superintendent of Police*** [2003 (1) KLT 339].

4. In the result, these petitions are dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving

sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

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